

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Raymond Orrand, Administrator, <i>et al.</i> ,	:	
	:	
Plaintiff	:	Case No. 2:04-cv-592
	:	
v.	:	Judge Smith
	:	
H. Berry, Inc.,	:	Magistrate Judge Abel
	:	
Defendant	:	

**ORDER**

Plaintiffs filed this suit to order defendant to pay delinquent contributions, interests, and court costs for bringing this action. See 29 U.S.C. §1132(g). This matter is before the Court on plaintiffs' unopposed March 8, 2006 motion for default judgment against defendant H. Berry, Inc. (doc 21).

The March 8, 2006 affidavit of Raymond Orrand, Administrator for the Trustees of the Ohio Operating Engineers Health and Welfare Plan, the Trustees of the Ohio Operating Engineers Pension Fund, the Trustees of the Ohio Operating Engineers Apprenticeship Fund, and the Trustees of the Ohio Operating Engineers Education and Safety Fund has demonstrated that defendant H. Berry, Inc. has refused to comply with the terms of a collective-bargaining agreement, trust agreements, and/or employee-benefit plans, which have obligated defendant to make contributions to the Funds. Plaintiffs further establishes that audits of H. Berry, Inc. found delinquencies for the audit period of April 1, 2002 to September 30, 2005, in the amount of \$1,808.80. (Mar. 8, 2006 Orrand Aff., ¶ 6).

Accordingly, plaintiffs' unopposed April 15, 2005 motion for default judgment (doc. 21) is **GRANTED**. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** in the amount of \$1808.80; plus accumulated interest charges in the amount of \$595.35, calculated to January 15, 2006, plus \$.90 per day thereafter, as long as the judgment remains unpaid; plus additional statutory interest in the amount of \$595.35, calculated to January 15, 2006, plus \$.90 per day thereafter as provided for in 29 U.S.C. § 1132(g); and court costs in the amount of \$150.

/s/ George C. Smith  
George C. Smith, Judge  
United States District Court